ONUSAL
EL SALVADOR

THE PEACE PROCESS IN EL SALVADOR AND THE UNITED NATIONS

In October 1989, the Secretary-General of the United Nations reported to the Security Council and the General Assembly on "the agreement reached on 15 September in Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) and designed to initiate a dialogue aimed at ending the armed conflict in El Salvador by political means".[1]

In the same agreement, both parties invited the Secretary-General to send a representative, as a "witness", to the subsequent talks in San José, Costa Rica, on 16 and 17 October. The Secretary-General accepted, within the framework of the "mission of good offices" which the Security Council had assigned to him.[2]

In December 1990, the Government of President Alfredo Cristiani and FMLN each separately requested the Secretary-General to assist them in the search for peace. This idea was also reflected in the declaration adopted by the five Central American Presidents at a meeting in the capital of Costa Rica in the same month.

GENEVA AGREEMENT

Thereafter, efforts were concentrated on the establishment of a frame of reference "with a view to agreeing on the format, mechanics and pace of a process aimed to bring, in the shortest possible time", under the auspices of the Secretary-General of the United Nations, "an end to the armed conflict once and for all" in El Salvador.[3]

This framework was established with the so-called Geneva Agreement of 4 April 1990, whereby the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional undertook not to abandon the negotiations unilaterally.

This is a genuinely national effort which includes the assistance of the Secretary-General and has the backing of the international community, with four objectives: ***"to terminate the armed conflict by political means in the shortest time, to promote democratization of the country, to guarantee the unrestricted respect of human rights and to reunify Salvadorian society".***[4]

This Geneva Agreement also opened a way for the participation of the political parties and other representative social organizations in El Salvador.

CARACAS AGREEMENT

The next step was to draw up a general agenda and a timetable for the entire negotiation process which were announced at Caracas on 21 May 1990.

The process consists of two phases. First of all, political agreements have to be reached in various fields, which in due course will make it feasible to reach a settlement of the armed confrontation. The document signed in the Venezuelan capital specified that, subject to the approval of the Security Council, monitoring of those political agreements would be initiated simultane-

[1] Report of the Secretary-General. S/20699/Add.1 9 October 1989.
[2] Security Council Resolution 637 (1989).
[3] Press Release SG/SM/4426—4 April 1990.
[4] *Idem.*

ously with the agreements to be reached at the negotiating table.

The agenda of the political agreements includes: the armed forces; human rights; judicial and electoral systems; constitutional reform; social and economic problems; and, finally, verification by the United Nations.

The second phase of negotiations will lead to the establishment of the guarantees and conditions necessary for reintegrating the members of FMLN, within a *de jure* framework, into the civil, institutional and political life of the country.

A series of complex negotiations has thus developed; they include a direct dialogue between negotiating commissions, involving the active participation of a representative of the Secretary-General and mediation by the Secretary-General himself.

SAN JOSÉ AGREEMENT

On 26 July 1990, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) signed, in the Costa Rican capital, an agreement of vital importance on human rights, which included the establishment of a United Nations verification mission to monitor, at the national level and over the long term, the observance and guaranteeing of fundamental rights and freedoms.[5] This mission is unprecedented in the history of the United Nations.

The Geneva and San José Agreements established that United Nations verification was to start after cessation of the armed confrontation. Nevertheless, in early November of 1990, the Salvadorian Government and FMLN requested the Secretary-General to initiate verification of the human rights agreement as soon as possible.

In December 1990, the Secretary-General notified the Security Council of his intention to propose the establishment of ONUSAL, i.e., the United Nations Observer Mission in El Salvador, in order to initiate verification of the San José Agreement. Subsequently, in March of 1991, he sent a preliminary mission which evaluated on the spot the possibilities of verifying that Agreement without a cease-fire. The mission had contact with governmental representatives and a wide range of political groups and, with the full knowledge of the Government, visited zones of conflict where it met representatives of FMLN.

The preliminary mission "concluded that there is a strong and widespread desire in all sectors of opinion in El Salvador that the United Nations commence, as soon as possible, the verification of the Agreement without awaiting a cease-fire". As regards the risks that armed conflicts presented for the tasks of verification and the security of the personnel, caution was advised, and it was concluded that this factor "should not prevent the establishment of the Mission before a cease-fire".[6]

Shortly afterwards, the Secretary-General stated that he had decided "to accept the preliminary mission's recommendations that the human rights component of ONUSAL be established at the earliest feasible moment in advance of an agreement on a cease-fire".

MEXICO CITY AGREEMENTS

During the month of April 1991 and in the course of a prolonged series of negotiations, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional agreed on important constitutional reforms concerning the armed forces, the judicial system and human rights, and the electoral system. The Legislative Assembly, whose mandate expired on 30 April, adopted them. Their entry into force is subject to ratification by the present Legislative Assembly.

ONUSAL, A UNIQUE MISSION

"Issues are being aired openly which heretofore were not touched upon in public", said the Secretary-General on the first anniversary of the signing of the Geneva Agreement, confirming that the situation in El Salvador had developed considerably since the start of negotiations. "Salvadorian society stands as if poised to undergo a profound transformation which will permit peace, once it comes about, to take hold irrevocably

[5]Agreement on Human Rights of 26 July 1990. A/44/971 or S/21541.

[6]Report of the Secretary-General. S/22494—16 April 1991.

and irreversibly."[7] He also recalled that we must be wary of rising expectations because, in spite of the prospects for progress, the difficulties facing the negotiators were daunting, such as the issue of armed forces.

In this connection, the Secretary-General drew the attention of the Security Council to the need for an integrated system for monitoring compliance with the various agreements that were emerging as a result of the negotiations between the Salvadorian parties, adding that, in due time, it was hoped that they would include supervision of a separation of forces and a cessation of the armed conflict.

On 20 May 1991, the Council unanimously adopted a resolution establishing the United Nations Observer Mission in El Salvador (ONUSAL) to monitor all agreements concluded between the Government and FMLN, starting with the human rights component, in accordance with the Agreement signed by both parties on 26 July 1990 in San José, Costa Rica.[8] The parties have to cooperate with ONUSAL in order to ensure that it has full freedom of movement and of access to all information which it considers relevant in order to enable it to carry out to the full the functions assigned to it concerning human rights in El Salvador.

In general terms, the verification tasks of this component include: active surveillance of the human rights situation; investigation of specific charges of human rights violations; promotion of human rights, formulation of recommendations for eliminating violations and promoting respect for those rights; and, lastly, submission of reports to the Secretary-General and, through him, to the Security Council and the General Assembly of the United Nations. All these tasks will be carried out gradually.

ACTIVE MONITORING

The first step will be centred on the active monitoring of the human rights situation, and on the processing by the parties or by interested persons or organizations of cases involving allegations of violations. It is estimated that it will take 60 to 90 days during which the regional offices and sub-offices will also be established.

Active monitoring includes ONUSAL visits to zones and population centres where human rights violations have been or may be committed, in order to prevent acts of violence or their repetition, and to build confidence among the citizens.

ONUSAL will move to the governmental (public and military) centres of interrogation and detention. It will do likewise in the corresponding FMLN centres or places. There it will interview both the detainees and the persons in charge of the detention centres.

It will also supervise the existing legal authorities concerned with human rights violations and evaluate the operation of civil and military bodies in charge of investigating reported cases.

At this first phase, the Mission will not investigate specific cases of violation, unless it is otherwise decided because of their crucial importance, but its personnel will be able to travel all over the territory in order to ascertain the current situation. A public information campaign will also be carried out on its objectives and limitations.

SECOND STAGE

After 60 to 90 days, the human rights verification component will enter into its second phase. It will then have all the scheduled personnel and will reach its optimum level of operation for carrying out the functions assigned under the San José Agreement.

At that juncture, ONUSAL will step up its direct investigations, promotion of respect for human rights through courses held for various sectors of the population and the State, and the formulation of specific and substantive recommendations for improving existing conditions.

COSTS AND PERSONNEL

A total budget of $23 million has been adopted for the first 12 months of ONUSAL activities. This figure includes the cost of personnel and the purchase of vehicles and communication equipment.

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[7] Idem.
[8] Security Council Resolution 693 (1991).

All together, the Mission will have international personnel consisting of 146 coordinators, supervisors, educators, legal and political officers, etc., 64 police officers and 15 military liaison officers. Locally, 137 assistants and advisers in various branches will be recruited.

The offices of the Chief of Mission and the Director for Human Rights will be in the capital of El Salvador. There will be regional offices in San Salvador, San Miguel, San Vicente and Santa Ana, and the first two will have sub-offices in Chalatenango and Usulután.

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ONUSAL
EL SALVADOR

THE UNITED NATIONS ROLE IN THE CENTRAL AMERICAN PEACE PROCESS

The turmoil in Central America has been a matter of grave concern to the international community for many years. It aroused alarm particularly among the countries on the Latin American continent and prompted various peace initiatives. These initiatives were actively supported by the United Nations. Throughout these years, the Secretary-General has used his good offices to facilitate the Central American peace process. He has maintained intensive contacts with the Governments of the region and with other interested parties in an effort to find a political solution. After complex and difficult negotiations, the Presidents of five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) signed a series of agreements in which they formulated the principal elements for a peaceful solution to the problems confronting the region. They also called on the United Nations to establish the following mechanisms for observing and verifying the commitments which they had undertaken and for assisting them in their implementation:

ONUCA
United Nations Observer Group in Central America

A military observer mission originally established to verify compliance with the security commitments in the main Central American peace agreement. An armed battalion was later attached to the mission to undertake the voluntary demobilization of the Nicaraguan resistance between April and June 1990. During that time ONUCA was to monitor a cease-fire and separation of forces agreement, concluded between the Nicaraguan parties.

ONUVEN
United Nations Observer Mission for the Verification of the Elections in Nicaragua

A civilian mission established at the request of the Government of Nicaragua to monitor and verify the recent electoral process in that country.

CIAV
International Support and Verification Commission

Responsible for the civilian aspects—repatriation, relocation or resettlement—of the demobilization process of the members of the Nicaraguan resistance and their families.

HISTORICAL BACKGROUND

In 1983, Colombia, Mexico, Panama and Venezuela—the so-called "Contadora Group" after a meeting of their Foreign Ministers on Contadora Island—initiated a series of consultations with the five Central American Governments in an effort to find a negotiated political solution to the problems affecting the region. In 1985, a Support Group was created by the Governments of Argentina, Brazil, Peru and Uruguay in order to strengthen the Contadora effort.

Initial United Nations Involvement

In May 1983, the Security Council adopted resolution 530 supporting the Contadora efforts and requesting the Secretary-General to keep the Council informed of developments. In the following years, the Council met

on several occasions to consider the situation in the region. Also in 1983, the item entitled "The situation in Central America: threats to international peace and security and peace initiatives" was placed on the agenda of the General Assembly. That year, in resolution 38/10, the Assembly expressed support for the Contadora Group, urging it to persevere in its peace efforts. The agenda item has been considered at each subsequent session of the General Assembly.

Since 1983, the Secretary-General has reported to both the Security Council and the General Assembly on developments in the area. He has also kept them informed of his frequent contacts and consultations with the Governments of the five Central American countries and with the Governments of the Contadora and Support Groups regarding a political solution.

In November 1986, the Secretary-General of the United Nations, Javier Pérez de Cuéllar, and the Secretary General of the Organization of American States (OAS), Joao Clemente Baena Soares, extended a joint offer of services to the five Central American countries as well as to the eight Contadora and Support Group countries. In response, the Ministers for Foreign Affairs of the Contadora and Support Groups requested the participation of both Secretaries-General in a visit to the five Central American countries. The visit took place in January 1987.

Esquipulas II Agreement

A breakthrough in the Central American peace process was achieved on 7 August 1987, when the Presidents of the five Central American nations signed the Guatemala Procedure, also known as Esquipulas II. The Central American Presidents undertook to launch a process of democratization in their countries, to promote a national dialogue, to decree a general amnesty, to bring about a genuine cease-fire, and to promote the holding of free, pluralistic and fair elections. They also requested all Governments concerned to terminate support for irregular forces or insurrectional movements and reiterated their commitment to prevent the use of their own territory for destabilization of other countries in the region.

To help achieve these objectives, the Presidents set up an International Verification and Follow-up Commission (CIVS) composed of the Foreign Ministers of the Contadora and Support Groups and of the Central American countries, as well as the Secretaries-General of the United Nations and OAS. The five Presidents acknowledged the Commissions's efforts in the Alajuela Declaration of 16 January 1988, signed at their summit meeting in Costa Rica.

Three important steps towards the implementation of the Esquipulas II agreement were taken by the five Presidents on 14 February 1989 when they signed the Costa del Sol Declaration. First, they requested their Foreign Ministers to arrange technical meetings to establish, with the participation of the United Nations, a mechanism for verification of the Esquipulas II security commitments. Second, the Government of Nicaragua announced its decision to call general and free elections, to amend its electoral laws and to invite international observers, in particular the Secretaries-General of the United Nations and OAS, to verify that the election process was genuine at every stage. Third, the Presidents agreed to draw up a joint plan for the voluntary demobilization, repatriation or relocation of members of the Nicaraguan resistance and their families. They then requested technical advice from specialized bodies of the United Nations.

On 27 July 1989, in resolution 637, the Security Council welcomed Esquipulas II and other agreements made by the five Central American Presidents. It also lent its full support to the Secretary-General in his mission of good offices in the region.

The Tela Agreements

At the Tela, Honduras, summit meeting of 5-7 August 1989, the five Presidents signed a Joint Plan which provided for the voluntary demobilization, repatriation and relocation of the members of the Nicaraguan resistance and their families. In that context, an International Support and Verification Commission (CIAV) was to be set up by the Secretaries-General of the United Nations and OAS to assist in this process.

In its resolution 44/10 of 23 October 1989, the General Assembly requested the Secretary-General to continue to afford the fullest possible support to the Central American Governments in their efforts to achieve peace in the region. To assist him in discharg-

ing these responsibilities, the Secretary-General appointed Alvaro de Soto, Assistant Secretary-General, as his Personal Representative for the Central American peace process.

UNITED NATIONS OPERATIONS IN CENTRAL AMERICA

ONUVEN

ONUVEN was created as a result of the request made by the Government of Nicaragua on 3 March 1989. It constituted the first time the United Nations had monitored an electoral process in a sovereign State and represented the first major United Nations operation in the western hemisphere. ONUVEN officially opened its offices in Managua on 25 August 1989. The mission was carried out in three phases from August 1989 to February 1990 to coincide, first, with the organization and mobilization of political parties according to Nicaragua's election process timetable; second, with the electoral campaign proper; and third, with the elections themselves. The Secretary-General appointed Elliot Richardson, a prominent American lawyer, as his Personal Representative for the verification of the elections in Nicaragua.

Elections took place on 25 February 1990. Two hundred and seven ONUVEN observers travelled throughout Nicaragua to monitor the voting. They were assisted by a team of 34 persons stationed at the Managua headquarters and at the regional offices. The observers visited 2,155 polling stations in 141 of the 143 municipalities in Nicaragua. Assessing the electoral process, ONUVEN reported that it had been "impartial and fair throughout" and that the elections had been conducted in a "highly commendable manner". The "quick count" made by ONUVEN on election night enabled it to make a projection of the result within one percentage point of the final result by 9 p.m. on 25 February.

Upon request by both the President and President-elect of Nicaragua, the Secretary-General assigned a small team to assure a United Nations presence in Nicaragua during the transition period. This team played a role in various negotiations which followed the elections.

ONUCA AND CIAV

ONUCA was established by the Security Council on 7 November 1989 in resolution 644 (1989) following a request from the five Central American Governments. Its original mandate called for verifying the countries' compliance with their undertakings to cease aid to irregular forces and insurrectionist movements in the region and not to allow their territory to be used for attacks on other States. On 12 December, the Central American Presidents, in a declaration signed at San Isidro de Coronado, Costa Rica, requested the Secretary-General to expand the mandate of ONUCA to include verification of any cessation of hostilities and demobilization of irregular forces that might be agreed in the region. Subsequently, shortly after the Nicaraguan elections of 25 February 1990, the Government of Nicaragua and the Nicaraguan National Opposition Union (UNO) asked the Secretary-General to consult with them about the manner in which ONUCA could assist in the transition process in that country. In the course of these consultations, agreement in principle was reached on the modalities for the voluntary demobilization of the members of the Nicaraguan resistance.

Accordingly, on 15 March 1990, the Secretary-General asked the Security Council to approve, on a contingency basis, an enlargement of the mandate of ONUCA and the addition of armed personnel to its authorized strength of 260 observers to enable it to play a part in the voluntary demobilization of the members of the Nicaraguan resistance. On 23 March, representatives of the President-elect of Nicaragua and the Nicaraguan resistance agreed, at Toncontín, Honduras, on the terms for the demobilization of the resistance forces. The parties declared their decision to initiate the general demobilization of the resistance, beginning with that of those resistance members still in Honduras. To this end, they requested the cooperation and assistance of ONUCA and CIAV. The Security Council agreed to ONUCA's expansion on 27 March in resolution 650 (1990), adding some 800 troops to its strength and giving it the responsibility of taking delivery and disposing of the weapons, *matériel* and military equipment of the resistance. At a further summit meeting in Montelimar, Nicaragua, on 2 and 3 April 1990, the five Central American Presidents

emphasized the urgent need for the immediate demobilization of the Nicaraguan resistance pursuant to the Joint Plan agreed at Tela and requested ONUCA and CIAV to take the necessary steps to ensure timely support for the demobilization and disarmament of the members of the resistance in Nicaragua, a process which was to be concluded no later than 25 April. They also agreed that the weapons to be received by ONUCA would be destroyed *in situ*. The voluntary demobilization of the Nicaraguan resistance in Honduras got under way on 16 April when members of the Atlantic Front (Yatama) of the resistance handed over their weapons and military equipment to ONUCA military personnel at La Kiatara, Honduras.

The mandate of ONUCA was again expanded by the Security Council on 20 April (resolution 653 (1990)), following an agreement which had been concluded in Managua two days earlier by the outgoing and incoming governments, by leaders of the Nicaraguan resistance and by the Archbishop of Managua. The expanded mandate enabled ONUCA to monitor a cease-fire and separation of forces agreed by the Nicaraguan parties as part of the demobilization process. According to the agreement, demobilization is to be completed by 10 June 1990.

On 4 May 1990, the Security Council decided to extend the mandate of ONUCA, as defined in the abovementioned resolutions, for a period of six months until 7 November 1990.

The civilian aspects of the process, i.e. the repatriation, relocation or resettlement, were assigned to CIAV, which had been established on 6 September 1989 to implement the Tela Plan for voluntary demobilization. Its mandate included providing assistance to members of the resistance after demobilization, as well as to their families, their repatriation to Nicaragua and their resettlement there, and the follow-up of the guarantees offered to them by the Nicaraguan Government. On 18 April 1990, the Secretary-General appealed to the Member States to support the tasks of the United Nations, in the context of CIAV, and urged Governments to announce financial contributions. The Pledging Conference for CIAV took place at United Nations Headquarters on 25 April.

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Within the framework of the broader Central American peace process, the Secretary-General has exercised his good offices between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), deriving from Security Council resolution 637 of 27 July 1989. These efforts have intensified since January 1990. Since then, the Secretary-General, directly and through his Personal Representative Alvaro de Soto, has held consultations with both parties in order to agree on the format, mechanism and pace of a process aimed at bringing about a definitive end to the armed conflict in that country. At a joint meeting with the Secretary-General in Geneva on 4 April 1990, the parties agreed to end the armed conflict through political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society. The parties agreed that the process should be carried out under the auspices of the Secretary-General in a continuing and ongoing manner through direct dialogue between the negotiation commissions with the active participation of the Secretary-General or his Personal Representative, as well as separate consultations with each of the sides, carried out by the Secretary-General's Representative. Direct talks began on 16 May in Venezuela.

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ONUSAL
EL SALVADOR

RESOLUTION 693 (1991)

Adopted by the Security Council at its 2988th meeting, on 20 May 1991

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989, in which it lent its full support to the Secretary-General for the continuation of his mission of good offices in Central America,

Recalling also the Geneva Agreement of 4 April 1990[1] and the Caracas Agenda of 21 May 1990[2] concluded between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Deeply concerned at the persistence of and the increase in the climate of violence in El Salvador, which seriously affects the civilian population, and thus stressing the importance of the full implementation of the San Jose Agreement of 26 July 1990[3] on human rights between the two parties,

Welcoming the Mexico Agreements of 27 April 1991 between the two parties,

Having considered the reports of the Secretary-General,[4]

Commending the Secretary-General and his Personal Representative for their efforts at good offices, and expressing its full support for their continuing efforts to facilitate a peaceful settlement to the conflict in El Salvador,

Underlining the great importance that the Council attaches to the exercise of moderation and restraint by both sides to ensure the security of all United Nations-employed personnel as well as to the adoption by them of all other appropriate and necessary measures to facilitate the negotiations leading to the achievement of the objectives set forth in the Geneva and other above-mentioned agreements as soon as possible, including their full cooperation with the Secretary-General and his Personal Representative to this end,

Recognizing the right of the parties to determine their own negotiating process,

Calling upon both parties to pursue the current negotiations urgently and with flexibility, in a concentrated format on the items agreed upon in the Caracas Agenda, in order to reach, as a matter of priority, a political agreement on the armed forces and the accords necessary for the cessation of the armed confrontation, and to achieve as soon as possible thereafter a process which will lead to the establishment of the necessary guarantees and conditions for reintegrating the members of the Frente Farabundo Martí para la Liberación Nacional within a framework of full legality into the civil, institutional and political life of the country,

Expressing its conviction that a peaceful settlement in El Salvador will contribute to a successful outcome in the Central American peace process,

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[1] S/21931, annex I.
[2] Ibid., annex II.
[3] S/21541.
[4] S/22031, S/22494 and Corr.1 and Add.1.

1. ***Approves*** the report of the Secretary-General (S/22494 and Corr.1 and Add.1);

2. ***Decides*** to establish, under its authority, and based on the Secretary-General's report referred to in paragraph 1 above, a United Nations Observer Mission in El Salvador to monitor all agreements concluded between the two parties, whose initial mandate, in its first phase as an integrated peace-keeping operation, will be to verify the compliance by the parties with the San Jose Agreement,[3] and also decides that the subsequent tasks or phases of the Observer Mission will be subject to approval by the Council;

3. ***Also decides*** that the United Nations Observer Mission in El Salvador will be established for an initial period of twelve months;

4. ***Requests*** the Secretary-General to take the necessary measures to establish the first phase of the Mission as described in paragraphs 2 and 3 above;

5. ***Calls upon*** both parties, as agreed by them, to pursue a continuous process of negotiations in order to reach at the earliest possible date the objectives set forth in the Mexico Agreements and all other objectives contained in the Geneva Agreement, and to this end to cooperate fully with the Secretary-General and his Personal Representative in their efforts;

6. ***Requests*** the Secretary-General to keep the Council fully informed on the implementation of the present resolution.

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ONUSAL
EL SALVADOR

MEXICO AGREEMENTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter "the Parties"),

Reaffirming their intention to make speedy progress towards the re-establishment of peace, national reconciliation and the reunification of Salvadorian society in accordance with the common will of the Salvadorian people, as expressed by both Parties in the Geneva Agreement of 4 April 1990;

Considering that the peace negotiations that are being held in pursuance of the Geneva Agreement and the Caracas Agenda of 21 May 1990 call for certain constitutional reforms in support of the political agreements issuing therefrom;

Bearing in mind the urgent need to submit to the Legislative Assembly whose term expires on 30 April 1991 those constitutional reforms on which the Parties have reached agreement, even though such agreements are partial and do not deal with all aspects under the item as envisaged in the Caracas Agenda;

Considering that various matters on which agreement has been reached may be dealt with in practice through secondary legislation or new political agreements elaborating on constitutional provisions;

Have reached the agreements which are outlined below covering constitutional reforms and issues to be dealt with in secondary legislation, as well as in other political agreements:

1. ARMED FORCES

1. Agreements on constitutional reforms entailing:

a) A clearer definition of the subordination of the armed forces to the civil authorities.

b) The establishment of the National Civil Police for the maintenance of peace, tranquillity, order and public security in both urban and rural areas, under the control of the civil authorities. It is clearly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

c) The establishment of the State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.

d) The redefinition of the military justice system with a view to ensuring that only those cases which involve legal issues of a strictly military character will be submitted to it.

2. Other issues considered in the negotiations have been left to be dealt with in secondary legislation or in the political agreements on the armed forces. These include:

a) Paramilitary forces.

b) Forcible recruitment.

c) Aspects relating to the management of the State security and intelligence organs.

d) Issues relating to the personnel of the armed forces and the National Civil Police.

e) The emphasis which should be given in the professional training of personnel serving in the defence and

public security forces to the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities.

The foregoing is without prejudice to the other outstanding issues under the item on the armed forces, with respect to which the Parties reaffirm that they stand ready, and hope, to reach overall agreements in the next stage of the negotiating process.

2. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve major aspects of the judicial system and establish safeguards for human rights, such as:

a) A new organization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies to the Legislative Assembly will be required for the election of judges of the Supreme Court of Justice.

b) Allocation for the judiciary branch of government of annual budget resources of not less than 6 per cent of current income.

c) Establishment of the post of National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

d) Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies to the Legislative Assembly.

2. Other issues considered in the negotiations have been left to be dealt with in secondary legislation and in other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, agreement was reached during the current round on the following:

a) National Council of the Judiciary

Agreement was reached to redefine the structure of the National Council of the Judiciary so that its composition guarantees its independence from the other branches of government and the political parties, and includes not only judges but also sectors of society that are not directly connected with the administration of justice.

b) Judicial Training School

The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure continuing improvement in the professional training of judges and other judicial officials.

c) Career judicial service

The secondary legislation shall include provisions to ensure that admission to the career judicial service is based on procedures guaranteeing objective selection, equal opportunity for all candidates, and the selection of the best qualified candidate. Such procedures shall include competitive examinations and graduation from the Judicial Training School.

3. ELECTORAL SYSTEM

1. Agreements on constitutional reforms entailing:

a) The establishment of a Supreme Electoral Tribunal to replace the Central Electoral Board. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. It has been agreed that the composition of the Tribunal shall be dealt with in the secondary legislation, which shall ensure that no party or coalition of parties exercises a dominant influence within it. It has also been agreed that the Supreme Electoral Tribunal shall be composed of members who are not affiliated with any party and who shall be elected by a qualified majority of the Legislative Assembly.

b) It has also been agreed that legally registered political parties shall have the right to monitor the com-

pilation, organization, publication and updating of the electoral roll.

2. Other issues considered in the negotiations have been left to be dealt with in the secondary legislation and other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda is still to be negotiated, agreement was reached during the current round on the following:

a) For the purpose of compiling the electoral roll, the list of citizens eligible to vote shall be published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for dealing with legitimate corrections requested by any interested party.

b) Within 60 days after the setting up of the new Supreme Electoral Tribunal, a special commission presided over by the Tribunal and composed of representatives of all legally registered parties, with the possible inclusion of independent experts, shall be established to prepare a comprehensive proposal for reform of the electoral system.

4. COMMISSION ON THE TRUTH

Agreement has been reached on the establishment of a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations, after having heard the views of the Parties. The Commission shall elect its President. The Commission shall be entrusted with the task of investigating the grave incidents of violence which have occurred since 1980, which have left a mark on society that demands as a matter of the greatest urgency that the public should know the truth. The Commission shall take into account:

a) The exceptional importance which may be attached to the acts that are to be investigated, their characteristics and impact, and the social upheaval to which they gave rise; and

b) The need to create confidence in the positive changes which the peace process is promoting and to foster steps towards national reconciliation.

The features, functions, powers and other issues relating to the Commission on the Truth are dealt with in the relevant annex.

5. FINAL DECLARATION

The Parties state for the record that the foregoing is a summary of the main political agreements which they reached during the round of negotiations held in Mexico City, D.F., between 4 April 1991 and this date. This summary shall in no way detract from, impair or nullify the authentic text of all the agreements reached, which have been annexed to this document.

The Parties likewise reaffirm their commitment to taking all necessary steps to give effect to the agreements. In particular, the Government of El Salvador solemnly undertakes to promote the approval by the current legislature of the constitutional reforms agreed upon between the Parties in this round of negotiations. Matters relating to the ratification of these reforms shall be considered in the framework of the negotiations under way in the context of the timetable for the implementation of the future agreements.

The Parties undertake to pursue the negotiations within a concentrated scheme, continuing the discussion of the list of issues agreed upon in the Caracas Agenda, with a view to reaching, as a matter of priority, a political agreement on the armed forces and the necessary agreements for the cessation of the armed conflict, under United Nations supervision.

Further careful preparation will be required for these negotiations on the basis of the important work that has been done in recent months and more especially in recent weeks. Such preparation is an integral part of the negotiating process and hence the latter process should not be considered as suspended. A brief direct meeting of an organizational nature is planned for early May and the direct negotiations are scheduled to resume in the latter half of the month. In keeping with past practice, neither the exact dates nor the venue shall be made public in advance.

6. UNILATERAL DECLARATION BY FMLN

FMLN states that the provision of article 211 describing the armed forces as a "permanent" institution is not compatible with its position on the matter. It states that it considers that there are constitutional reforms still subject to negotiation, including, in particular, demilitarization, article 105 on limitations on the ownership of farmland and the necessity of revising the procedure for reform of the constitution, through either amendment of article 248 or other procedures such as consultation with the people. FMLN maintains its position on all these points.

Mexico City, 27 April 1991

Representing the Government of El Salvador:

(SIGNED)
Dr. Oscar Santamaría
Col. Juan Martínez Varela
Col. Mauricio Ernesto Vargas
Dr. David Escobar Galindo
Dr. Abelardo Torres
Dr. Rafael Hernán Contreras

Representing the Frente Farabundo Martí para la Liberación Nacional:

(SIGNED)
Comdr. Schafik Handal
Comdr. Joaquín Villalobos
Salvador Samayoa
Ana Guadalupe Martínez

(SIGNED)
Alvaro de Soto
Representative of the Secretary-General of the United Nations

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

1. Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, national reconciliation and the reunification of Salvadorian society, in accordance with the common will of our people, and

2. Whereas the peace negotiations that are being held in pursuance of the Geneva Agreement of 4 April 1990 and the Caracas Agenda of 21 May 1990 call for certain constitutional reforms in support of the political agreements issuing therefrom,

In exercise of the powers conferred upon it by article 248 of the Political Constitution in force,

Accordingly adopts the following constitutional reform:

Article 1 Article 30 is hereby repealed.

Article 2 In article 77, the term "Central Electoral Board" is hereby replaced by the term "Supreme Electoral Tribunal", and a new paragraph is hereby added, to read as follows:

"Political parties which are legally registered shall have the right to monitor the compiling, organization, publication and updating of the electoral roll."

Article 3 Article 131 (37) is hereby amended to read as follows:

"To recommend to the President of the Republic the dismissal of Ministers of State, or, to the relevant bodies, the dismissal of public officials of autonomous official institutions, whenever it deems it proper on the basis of investigations by Assembly special commissions or appeals commissions, as appropriate. The Assembly's decision shall be binding with regard to heads of public security and State intelligence in respect of serious human rights violations."

Article 4 Article 162 is hereby amended as follows:

"Article 162—The President of the Republic shall be responsible for appointing, dismissing, accepting resignations of and granting leaves to Ministers and Deputy Ministers of State, and to heads of public security and State intelligence."

Article 5 Article 163 is hereby amended to read as follows:

"Article 163—The decrees, decisions, orders and instructions of the President of the Republic must be countersigned and announced by Ministers, or by Deputy Ministers where appropriate, in their respective departments. Failure to comply with these requirements will render such instruments null and void."

Article 6 Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs, (17), (18) and (19), are added, to read as follows:

"(11) To command, organize and maintain the armed forces and confer military ranks and establish postings and duties, and relieve officers thereof, in accordance with the law.

"(12) To direct the armed forces in defence of the sovereignty of the State and its territorial integrity. Exceptionally, if normal means for the maintenance of domestic peace and public tranquillity and security have been exhausted, the President of the Republic may use the armed forces for that purpose. Such action by the armed forces shall be limited to the period and extent strictly necessary to restore order and shall cease once that objective has been attained. The President of the Republic shall keep the Legislative Assembly informed of such action, and the Assembly may, at any time, order the rescission of such exceptional measures. In any event, within two weeks of the termination of such measures, the President of the Republic shall submit to the Legislative Assembly a detailed report on any action taken by the armed forces.

"(17) To command, organize and maintain the National Civil Police in order to maintain peace, tranquillity, order and public security, in both urban and rural areas, in strict observance of human rights and under the control of the civil authorities. The National Civil Police and the armed forces shall be independent and shall be under the authority of different ministries.

"(18) To command, organize and maintain the State intelligence agency.

"(19) To determine annually a reasonable manpower level for the armed forces and National Civil Police."

Article 7 A new paragraph is hereby added to article 172, to read as follows:

"The judiciary branch of government shall receive an annual allocation of not less than 6 per cent of current income under the State budget."

Article 8 Article 174, second paragraph, is hereby amended to read as follows:

"The Constitutional Division shall comprise five judges appointed for that purpose by the Legislative Assembly. The President of the Constitutional Division shall be appointed by the Legislative Assembly whenever the latter elects judges to the Supreme Court of Justice. The same appointee shall serve as President of the Supreme Court of Justice and of the judiciary branch of government."

Article 9 Article 180 is hereby amended as follows:

"Article 180—Any person wishing to be a justice of the peace shall as a minimum be a Salvadorian citizen, a lawyer, a layman, over 21 years old, and known to be competent and of good character; he must have enjoyed the full rights of citizenship for three years previous to his appointment. Justices of the peace shall be considered members of the career judicial service.

"In cases where the National Council of the Judiciary so decides, the duties of justice of the peace may be carried out by a person who is not a lawyer or does not belong to the career judicial service. In such a case, the term of office shall be one year."

Article 10 Paragraph 9 of article 182 is hereby revised as follows:

"9. To appoint appeals court magistrates, trial judges and justices of the peace from rosters submitted by the National Council of the Judiciary, as well as forensic physicians and subordinate staff of the same court; to dismiss them, entertain their resignations and grant them leaves."

Article 11 Article 186 is hereby revised as follows:

"Article 186—A career judicial service is hereby established.

"Judges of the Supreme Court of Justice shall be elected by the Legislative Assembly for a term of nine years, with one third of the judges coming up for renewal every three years. Their tenure shall be deemed to be renewed by right unless, at the end of a judge's term of office, the Legislative Assembly decides otherwise or a judge is dismissed for cause, the causes for dismissal having been previously established by law. The affirmative vote of at least two thirds of the elected deputies shall be required in such cases.

"Judges of the Supreme Court of Justice shall be elected from a list of candidates drawn up by the National Council of the Judiciary, in the manner prescribed by law, half of the names being proposed by the associations representing the lawyers of El Salvador; the list shall include representatives of the major currents of legal thought.

"Appeals court judges, trial judges and justices of the peace who are members of the career judicial service shall enjoy security of tenure.

"The law shall ensure the protection of judges so that they may carry out their duties in complete freedom, impartially and free of any influence on the cases that come before them; it shall also provide sufficient resources for judges to receive fair remuneration and enjoy a standard of living commensurate with the level of their responsibilities.

"The law shall regulate the requirements and procedures for admission to the career judicial service, promotions, transfers, and disciplinary measures against members of the career judicial service, and other matters relating to that service."

Article 12 Article 188 is hereby revised as follows:

"Article 188—No person serving as a magistrate or judge may practise as a lawyer or notary nor serve as an employee of any other government body except as a teacher or a diplomat on a temporary assignment."

Article 13 Article 191 is hereby revised as follows:

"Article 191—Prosecutions shall be carried out by the Attorney-General of the Republic, the Chief State Counsel, the National Counsel for the Defence of Human Rights and such other officials as may be prescribed by law."

Article 14 Article 192 is hereby revised as follows:

"Article 192—The Attorney-General of the Republic, the Chief State Counsel and the National Counsel

for the Defence of Human Rights shall be elected by the Legislative Assembly, by a majority of two thirds of all elected deputies. Their term of office shall be three years and may be renewed.

"The requirements for Attorney-General or Chief State Counsel shall be the same as for appeals court judges.

"The requirements for the office of National Counsel for the Defence of Human Rights shall be determined by law."

Article 15 In Article 193, a new paragraph (3) is hereby added; paragraphs (2) and (3) are hereby amended, the latter becoming paragraph (4); and paragraph 9 is hereby repealed; the amendments read as follows:

"2. To initiate judicial action, *proprio motu* or at the request of a party, in the defence of the legal order.

"3. To direct the investigation of the offence, and particularly any acts that may give rise to criminal prosecution. To that end, under the direction of the office of the Attorney-General of the Republic, there shall be established a Crime Investigation Unit whose mandate will be prescribed by law. Nothing in these provisions shall limit the independence of a judge in investigating matters submitted to him. The Crime Investigation Unit shall diligently carry out any operation that a judge may require of it in pursuance of the stated goals.

"4. To initiate criminal prosecutions *proprio motu* or at the request of a party."

Article 16 A new article is hereby added after 193, to read as follows:

"Article 194—The National Counsel for the Defence of Human Rights shall be responsible for promoting human rights and seeing to it that they are respected. He may have permanent departmental and local representatives.

"The functions of the National Counsel shall be:

"1. To see to it that human rights are respected and guaranteed.

"2. To investigate, either *proprio motu* or on the basis of information received, cases of human rights violations.

"3. To assist alleged victims of human rights violations.

"4. To promote judicial or administrative remedies for the protection of human rights.

"5. To monitor the situation of persons deprived of their liberty. He shall be notified of all arrests and shall see to it that the legal limits on administrative detention are respected.

"6. To carry out inspections, where he believes it necessary, in order to ensure respect for human rights.

"7. To review the conduct of the Administration towards citizens.

"8. To promote human rights reforms in the different branches of government.

"9. To issue opinions on proposed legislation that would affect the exercise of human rights.

"10. To promote and propose such measures as he believes necessary in order to prevent violations of human rights.

"11. To formulate conclusions and recommendations, either publicly or privately.

"12. To prepare and issue reports.

"13. To develop a permanent programme of activities to promote a knowledge of, and respect for, human rights.

"14. Such other duties as may be assigned to him by the Constitution or the law."

Article 17 The heading of chapter VII of title VI is hereby amended to read:

"CHAPTER VII THE SUPREME ELECTORAL TRIBUNAL"

Article 18 Article 208 is hereby amended as follows:

"Article 208—The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. Its decisions shall not be subject to appeal, but may be reviewed by the Tribunal itself in cases where the law so permits, and as provided in the Constitution, in cases involving a violation of the Constitution.

The membership of the Supreme Electoral Tribunal shall be determined by law, with a view to ensuring that no party or coalition of parties exercises a dominant influence within it. Likewise, appropriate steps shall be taken to ensure that the Supreme Electoral Tribunal is composed of members who are not affiliated with any party and who have been elected by a two-

thirds majority of the elected representatives in the Legislative Assembly."

Article 19 Article 209 is hereby amended as follows:

"Article 209—The agencies necessary for collecting, counting and supervising ballots and for other activities connected with the exercise of suffrage shall be established by law, with a view to ensuring that no party or coalition of parties exercises a dominant influence within them. The contending political parties shall be entitled to monitor the entire electoral process."

Article 20 Article 211 is hereby amended as follows:

"Article 211—The armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative."

Article 21 Article 212 is hereby amended as follows:

"Article 212—The mission of the armed forces shall be to defend the sovereignty and territorial integrity of the State. In exceptional circumstances, the President of the Republic may call upon the armed forces for the purpose of maintaining domestic peace, in accordance with the provisions of the Constitution.

"The main branches of government referred to in article 86 may call upon the armed forces in order to enforce the provisions which they have adopted within their respective spheres of competence under the Constitution for the purpose of giving effect to the Constitution.

"The armed forces shall collaborate in activities in the public interest which are assigned to them by the executive branch and shall assist the public in cases of national disaster."

Article 22 Article 213 is hereby amended as follows:

"Article 213—The armed forces shall form part of the executive branch and be subject to the authority of the President of the Republic in his capacity as Commander-in-Chief. The structure, legal regime, doctrine, membership and functioning of the armed forces shall be defined by law and by the special regulations and provisions to be adopted by the President of the Republic."

Article 23 Article 216 is hereby amended as follows:

"Article 216—Military jurisdiction shall be established. For the trial of purely military offences, there shall be special procedures and courts, as provided for by law. Military jurisdiction, as an exceptional regime from the point of view of the unity of the justice system, shall be limited to the trial of purely military offences, the latter being understood as offences which solely involve legal issues of a strictly military character.

"Military jurisdiction shall apply to members of the armed forces on active duty in the case of purely military offences.

"Article 24 Article 217 is hereby amended, as follows:

"Article 217—The manufacture, importation, exportation, trading, possession and bearing of weapons, munitions, explosives and similar articles shall be permitted only with the authorization and under the direct supervision of the executive branch, through the officials responsible for defence.

"This matter shall be regulated by a special statute."

TRANSITIONAL PROVISIONS

First: The National Counsel for the Defence of Human Rights whose post is established by this Decree shall be elected within 90 days following the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991.

Second: The secondary legislation on electoral matters shall be amended within 90 days following the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. The new Supreme Electoral Tribunal shall be appointed within 30 days following the approval of the legislative reform.

Third: For the purpose of implementing the provisions of article 172, paragraph 4, the budgetary funds shall be allocated gradually and proportionally until the full amount is achieved, within a period of no more than four years from the date on which this Decree becomes effective.

With the aim of elaborating some of the matters which under the agreed constitutional reform have been left to be dealt with in secondary legislation, the Parties have agreed as follows:

1. THE JUDICIAL SYSTEM

a) The Supreme Court of Justice

For the purpose of the appointment of judges to the Supreme Court of Justice in accordance with the terms of the constitutional reform, the National Council of the Judiciary shall draw up a list of 60 candidates representing the major currents of legal thought and a new list shall be drawn up after each election of judges. Thirty of the candidates shall be nominated by the lawyers' associations of the various regions of the country.

b) National Council of the Judiciary

It has been agreed to reorganize the National Council of the Judiciary along the following lines:

1. The membership of the National Council of the Judiciary shall be such as to guarantee its independence from the other branches of government and from the political parties, and to ensure as far as possible that it is composed not only of judges but also of representatives of sectors of society not directly connected with the administration of justice. The Act regulating the National Council of the Judiciary shall be amended to conform to the provisions of this Agreement within 90 days of the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. A new National Council of the Judiciary shall be elected within 90 days of the adoption of the said legal reform.

2. The responsibilities of the National Council of the Judiciary shall be to organize and operate the Judicial Training School, whose aim shall be to ensure a constant improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General; to do research on problems relating to the country's judiciary and propose solutions to them; and to foster greater bonds of solidarity among the members of the judicial profession and an overall consistency in the way in which the function of the judiciary in a democratic State is envisioned.

c) The career judicial service

The secondary legislation regulating the career judicial service shall satisfy the following requirements:

1. The secondary legislation shall include provisions ensuring that admission to the career judicial service is based on procedures guaranteeing objective selection, equal opportunities for all candidates, and the selection of the best-qualified candidates. Such procedures shall include competitive examinations and graduation from the Judicial Training School.

2. Candidates shall be admitted to the career judicial service only if they comply with the admission requirements established by law.

2. THE ELECTORAL SYSTEM

1. The electoral roll shall be so compiled as to allow publication of the lists of citizens entitled to vote at least 20 days in advance of the election date. A simple and expeditious procedure shall be established for taking action on legitimate corrections requested by any interested party.

2. Within 60 days after the setting up of the new Supreme Electoral Tribunal, a Special Commission shall be established, presided over by the Supreme Electoral Tribunal and composed of representatives of all legally registered parties, with the possible inclusion also of independent experts, in order to prepare a comprehensive proposal for reform of the electoral system, which is to be concluded and submitted to the Legislative Assembly within 120 days of the said Commission's establishment. The Special Commission shall in any case

be established at least two years before the next legislative elections, and the Assembly shall vote on the proposed reforms at least one year before the date of those elections.

3. THE ARMED FORCES

The political agreements on the armed forces shall be postponed for consideration under the appropriate item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points:

1. The professional training of members of the defence and the public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights, and the subordination of the said forces to the constitutional authorities.

2. The secondary legislation relating to military jurisdiction shall be amended, where necessary, with a view to ensuring that under no circumstances shall any violations whose victims are civilians or include civilians be deemed to be purely military offences or crimes and, likewise, that civilians shall not be subject to military jurisdiction under any circumstances, except in the case of military offences committed in connection with an international armed conflict in which El Salvador is involved.

COMMISSION ON THE TRUTH

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter "the Parties"),

Reaffirming their intention to promote reconciliation in Salvadorian society;

Recognizing the need to clear up speedily the most egregious acts of violence, whose characteristics and impact, as well as the social upheaval to which they gave rise, demand as a matter of the greatest urgency complete knowledge of the truth as well as the strengthening of the resolve and means to establish it;

Considering that, although the need to put an end to impunity was established during the discussion of the item on the armed forces of the agenda for the negotiations adopted in Caracas on 21 May 1990, the investigation mechanisms which the Parties have been prepared to set up are addressing situations which, owing to their complexity, warrant separate treatment;

Agreeing on the advisability of carrying out that task through a procedure which is both reliable and expeditious and may yield short-term results without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate sanctions on those responsible;

Have reached the following political agreement:

1. There shall be established a Commission on the Truth (hereinafter "the Commission"). The Commission shall be composed of three persons appointed by the Secretary-General of the United Nations, having heard the views of the Parties. The Commission shall elect its Chairman.

FUNCTIONS

2. The Commission shall have the task of investigating grave acts of violence that have occurred since 1980 and whose impact on society demands as a matter of the greatest urgency public knowledge of the truth. The Commission shall take into account:

a) The exceptional importance which may be attached to the acts to be investigated, their characteristics and impact, as well as the social upheaval to which they gave rise; and

b) The need to create confidence in the positive changes which the peace process is promoting and foster steps towards national reconciliation.

3. The mandate of the Commission shall include the recommendation of legal, political or administrative measures which may be inferred from the results of the investigation. Those recommendations may include measures to prevent the repetition of such acts, as well as initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5. The Commission shall not act as a judicial body.

6. If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this Agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, so that the case may be dealt with through the judicial system.

POWERS

7. The Commission shall have broad powers to organize its work and determine its methods of operation. Its activities shall be conducted in a confidential manner.

8. For the purposes of the investigation, the Commission shall have the power to:

a) Collect, by the means that it deems appropriate, all information which it considers relevant. The Commission shall be completely free to use the sources of information which it deems useful and reliable. It shall receive such information within a period of time and in a manner which it shall itself determine.

b) Interview, freely and in private, any individuals, groups or members of organizations or institutions.

c) Visit freely any establishment or place without prior notice.

d) Carry out any other measures or inquiries which it considers useful in order to fulfil its mandate, including requests to the Parties for reports, records, documents or any other information from the government authorities and departments.

OBLIGATION OF THE PARTIES

9. The Parties undertake to extend to the Commission all the cooperation that it requires from them in order to gain access to sources of information available to them.

10. The Parties undertake to carry out the recommendations of the Commission.

REPORT

11. The Commission shall submit a final report with its conclusions and recommendations within a period of six months after its establishment.

12. The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and take the decisions or initiatives that he deems appropriate.

13. Once the report has been submitted, the mandate of the Commission shall be considered terminated and the Commission shall be dissolved.

14. The provisions of this Agreement shall not impede the normal investigation of any situation or case, regardless of whether the Commission has investigated them or not, or the application of legal provisions pertaining to any act that is contrary to law.

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ONUSAL
EL SALVADOR

SAN JOSE AGREEMENT ON HUMAN RIGHTS*

I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Bearing in mind that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights;

Considering also that the State has assumed obligations of this nature under the many international conventions to which it is a party;

Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person;

Reiterating the common purpose, expressed in the Geneva Agreement, to guarantee unrestricted respect for human rights in El Salvador;

Further reiterating their willingness, also expressed in the Geneva Agreement, to submit in this matter to verification by the United Nations;

On the understanding that for the purposes of the present political agreement, "human rights" shall mean those rights recognized by the Salvadorian legal system, including treaties to which El Salvador is a party, and by the declarations and principles on human rights and humanitarian law adopted by the United Nations and the Organization of American States;

Have concluded the following agreement in pursuance of the initial objective of the Geneva Agreement:

1. All necessary steps and measures shall be taken immediately to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual. Similarly, all necessary steps and measures shall be taken to eliminate any practice involving enforced disappearances and abductions. Priority shall be given to the investigation of any cases of this kind which may arise and to the identification and punishment of the persons found guilty.

2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

a) No one may be arrested for the lawful exercise of his political rights;

b) An arrest may be made only if ordered by the competent authority in writing and in accordance with the law, and the arrest must be carried out by officers who are properly identified as such;

c) Anyone arrested must be informed while the arrest is being made of the reasons for the arrest and must be apprised without delay of the charge or charges against him;

*It is the understanding of the Parties that this Agreement does not exhaust the consideration of the item on human rights and that it is, accordingly, a partial agreement. With the exception of points that are immediately applicable, the Agreement is subject to the package of political agreements to be negotiated for the achievement of the initial objective envisaged in the Geneva Agreement.

d) No one shall be placed under arrest as a means of intimidation. In particular, arrests shall not be made at night, except in the case of individuals caught *in flagrante delicto*;

e) No one in custody shall be held incommunicado. Any person who has been arrested shall have the right to be assisted without delay by legal counsel of his own choosing and the right to communicate freely and privately with such counsel;

f) No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

3. In the course of the present negotiations, appropriate legal procedures and timetables shall be determined for the release of individuals who have been imprisoned for political reasons.

4. The fullest possible support shall be given to ensuring the effectiveness of the remedies of *amparo* and *habeas corpus*. To this end, the broadest possible publicity shall be given to this Agreement among the public at large and, in particular, among authorities or officers in charge of detention centres. Anyone who hampers the operation of these remedies or provides false information to the judicial authorities shall be punished.

5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.

6. Freedom of expression and of the press, the right of reply and the activities of the press shall be fully guaranteed.

7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.

8. All persons shall be guaranteed freedom of movement in the areas involved in conflict, and the necessary steps shall be taken to provide the inhabitants of such areas with the identity documents required by law.

9. The Parties recognize the necessity of guaranteeing the effective enjoyment of labour rights. This subject will be considered under the agenda item on economic and social problems.

2. INTERNATIONAL VERIFICATION

10. In accordance with the provisions of the Geneva Agreement and the agenda for the negotiations which was adopted in Caracas, the Parties hereby agree to the terms of reference for the United Nations human rights verification mission (hereinafter referred to as "the Mission"), as set out below.

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association.

In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

12. A Director designated by the Secretary-General of the United Nations shall be in charge of the Mission. The Director shall work in close co-operation with existing human rights organizations and bodies in El Salvador. He shall also be assisted by expert advisers. In addition, the Mission shall include as many verification personnel as may be necessary.

13. The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing as from the date of its establishment and to take any steps it deems ap-

propriate to promote and defend such rights. Accordingly, it shall perform its functions with a view to promoting respect for human rights and their guarantee in El Salvador and helping to do away with those situations in which such respect and guarantees are not duly observed.

14. The Mission's mandate shall include the following powers:

a) To verify the observance of human rights in El Salvador;

b) To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;

c) To visit any place or establishment freely and without prior notice;

d) To hold its meetings freely anywhere in the national territory;

e) To interview freely and privately any individual, group of individuals or members of bodies or institutions;

f) To collect by any means it deems appropriate such information as it considers relevant;

g) To make recommendations to the Parties on the basis of any conclusions it has reached with respect to cases or situations it may have been called upon to consider;

h) To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;

i) To consult the Attorney-General of the Republic;

j) To plan and carry out an educational and informational campaign on human rights and on the functions of the Mission itself;

k) To use the media to the extent useful for the fulfilment of its mandate;

l) To report regularly to the Secretary-General of the United Nations and through him to the General Assembly.

15. The Parties undertake to give their full support to the Mission. To that end, they pledge:

a) To grant the Mission whatever facilities it may require for the performance of its functions;

b) To ensure the security of the members of the Mission and of such persons as may have provided it with information, testimony or evidence of any kind;

c) To provide, as expeditiously as possible, whatever information may be required by the Mission;

d) To give their earliest consideration to any recommendations made to them by the Mission;

e) Not to hinder the fulfilment of the Mission's mandate.

16. Each of the Parties shall appoint a delegate to serve as liaison with the Mission.

17. Should the Mission receive communications referring to acts or situations which occurred prior to its establishment, it may transmit them, if it deems it appropriate, to the competent authorities.

18. The fact that a case or situation has been considered by the Mission shall not preclude the application thereto of international procedures for the promotion and protection of human rights.

19. Subject to any arrangements which must be made prior to its establishment, the Mission shall take up its duties as of the cessation of the armed conflict. The Mission shall be established initially for one year and may be renewed.

San José, 26 July 1990

For the Government of El Salvador:

(SIGNED)
Oscar Alfredo Santamaría
Colonel Juan A. Martínez Varela
Colonel Mauricio Ernesto Vargas
Abelardo Torres
David Escobar Galindo
Rafael Hernán Contreras

For the Frente Farabundo Martí para la Liberación Nacional:

(SIGNED)
Commander Schafik Handal
Commander Eduardo Sancho
Ana Guadalupe Martínez
Salvador Samayoa
Dagoberto Gutiérrez
Marta Valladares
Roberto Cañas

(SIGNED)
Alvaro de Soto
Representative of the Secretary-General of the United Nations

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ONUSAL
EL SALVADOR

AGENDA AND SCHEDULE FOR THE NEGOTIATION PROCESS

GENERAL AGENDA

1. The initial objective shall be to achieve political agreements for a halt to the armed confrontation and any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council.

FIRST: POLITICAL AGREEMENTS

1. Armed forces
2. Human rights
3. Judicial system
4. Electoral system
5. Constitutional reform
6. Economic and social issues
7. Verification by the United Nations

SECOND: AGREEMENT ON A HALT TO THE ARMED CONFRONTATION AND ANY ACTS THAT INFRINGE THE RIGHTS OF THE CIVILIAN POPULATION

2. Establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civilian, institutional and political life of the country.

1. Armed forces
2. Human rights
3. Judicial system
4. Electoral system
5. Constitutional reform
6. Economic and social issues
7. Reintegration of FMLN members
8. Verification by the United Nations

3. Final agreements for the consolidation of the objectives of the Geneva Agreement, and verification by the United Nations, as appropriate.

Note: The sequence of the items listed for the respective phases is not a strict order of consideration, and may be changed by common agreement.

The agreements should be precisely tailored to the nature of the phase involved. Political items have been referred to their respective phases; but since some of them are quite complex, certain aspects might be addressed in other phases. It all depends on the dynamics of the negotiations.

SCHEDULE

In the light of the general agenda for the comprehensive negotiation process in the preceding section, the Government of El Salvador and FMLN agree that the initial objective set forth in paragraph 1 of the Geneva Agreement of 4 April 1990 should be achieved by the middle of September 1990, provided that the parties reach synchronized agreements which have schedules for implementation and are subject to verification as appropriate, so as to ensure that all the components of the initial objective are duly co-ordinated.

The additional advantage of that deadline is that it would help to ensure that an electoral process is conducted at the legislative and municipal levels in an atmosphere of tranquillity, broad participation and freedom from intimidation.

It is difficult to set a strict time-limit for the conclusion of the comprehensive process. That would depend on factors that cannot yet be considered, such as the

range and scope of the political agreements referred to in section I, which are to be negotiated, and the relationship between the negotiations and the electoral process. On the other hand, there is also a possibility that the initial objective might be achieved before the deadline. For these reasons, formulations regarding the conclusion of the process should not be in terms of dates, but in terms of a certain number of months from the achievement of the initial objective: tentatively, two to six months.

On the basis of the above understandings, the Government and FMLN shall concentrate, as the primary substantive priority, on the negotiation of the political agreements envisaged under the initial objective.

Caracas, 21 May 1990

Representing the Government of El Salvador:

(SIGNED)
Colonel Juan A. Martínez Varela
Dr. Oscar Alfredo Santamaría
Colonel Mauricio Ernesto Vargas
Dr. Abelardo Torres
Dr. David Escobar Galindo
Dr. Rafael Hernán Contreras

Representing the Frente Farabundo Martí para la Liberación Nacional:

(SIGNED)
Comandante Schafik Handal
Comandante Eduardo Sancho
Ana Guadalupe Martínez
Salvador Samayoa
Dagoberto Gutiérrez
Marta Valladares
Roberto Cañas

(SIGNED)
Alvaro de Soto
Representative of the Secretary-General of the United Nations

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ONUSAL
EL SALVADOR

CENTRAL AMERICA: EFFORTS TOWARDS PEACE

REPORT OF THE SECRETARY-GENERAL

1. The present report is submitted further to my report of 21 December 1990,[1] in which I had informed the Security Council of my intention to request authorization to establish a United Nations Observer Mission in El Salvador (ONUSAL) to monitor agreements concluded between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), commencing with the verification of the Agreement on Human Rights signed by both parties at San José on 26 July 1990 (hereinafter referred to as "the Agreement").[2] In my statement during their consultations on 4 April 1991 (annex I), I informed the members of the Council that in this connection a preliminary mission, headed by my Alternate Personal Representative for the Central American Peace Process, and including experts in the field of human rights and technical advisers (see list in annex II), recently visited El Salvador. Its purpose was to assist me in determining the extent to which the verification tasks could be conducted before the cessation of the armed conflict, and in preparing an operational plan for implementing the verification functions outlined in the Agreement. The mission was supported by the small preparatory office opened in San Salvador in January 1991.

2. The preliminary mission evaluated, in the context of its mandate, the situation in El Salvador through in-depth discussions with representatives of a wide spectrum of political opinion. These included government Ministers, the Supreme Court, the Attorney General and the Military High Command as well as leaders of political parties, religious organizations, non-governmental organizations active in the field of human rights, trade unions and employers' associations. The mission also visited, the Government being kept informed, four zones of conflict where it met representatives of the FMLN to discuss operational modalities of the projected verification functions.

3. In the light of these discussions and its evaluation of the political situation, the preliminary mission concluded that there is a strong and widespread desire in all sectors of opinion in El Salvador that the United Nations commence, as soon as possible, the verification of the Agreement without awaiting a cease-fire. This desire arises from the hope and expectation that such verification by the United Nations would bring about a diminution of the violence which affects the lives of the people of El Salvador. Virtually all sectors of political opinion pledged full support for the projected United Nations Verification Mission (hereinafter referred to as "the Mission") once it was established.

4. Notwithstanding these strong expressions of expectation and support, the preliminary mission recognized that the absence of the other political agreements envisaged in the framework of the Geneva agreement of 4 April 1990 and the Caracas agenda of 21 May 1990,[3] raised a number of questions and concerns. One such concern is that, with the agreements on the armed forces and the judicial system not yet in place, the verification of the Agreement would necessitate the Mission's

[1] S/22031.
[2] S/21541.
[3] S/21931, annexes I and II.

reaching specific working arrangements on an ad hoc basis with the military, security and judicial authorities and the FMLN. In view of the explicit assurances of support received from these authorities, the preliminary mission is of the view that such arrangements would be feasible.

5. The risks that a situation of armed conflict would pose to the tasks of the Mission and to the security of its personnel also were addressed by the preliminary mission. It concluded that, while a cease-fire obviously would provide optimal conditions, until this was secured, the verification tasks envisaged under the Agreement could be implemented to a significant extent, and that therefore this factor should not impede the establishment of the Mission before a cease-fire. The preliminary mission also concluded that, while the armed conflict could pose risks to security of personnel not usually encountered in United Nations observation or verification missions, these were not to a degree that should prevent the establishment of the Mission before a cease-fire. In reaching this conclusion the preliminary mission took into consideration not only the assurances received from the Government of El Salvador and the FMLN, but also the fact that the armed actions tend to be limited in time and place, rather than being prolonged and widespread.

6. In relation to security aspects, the preliminary mission noted further that certain extremist groups who tend to utilize violence to achieve their goals or to eliminate obstacles to them could resort to intimidation against the Mission's personnel, and precaution in this regard would be advisable.

7. In the light of the above and other relevant considerations, I have decided to accept the preliminary mission's recommendations that the human rights component of ONUSAL be established at the earliest feasible moment in advance of an agreement on a cease-fire. The Council already is informed that this measure would be in response to requests to this effect from both parties, which would need to be formalized in order to amend the reference to the cessation of the armed conflict in paragraph 19 of the Agreement, which at present provides that the Mission shall take up its duties as of the cessation of the armed conflict. In addition, measures would be required to ensure the security of the Mission, and its independence in functioning, especially the unrestricted freedom of movement and communication, as well as other rights and facilities necessary for its tasks. For this purpose, the United Nations and the Government of El Salvador would conclude an agreement on the status of ONUSAL and its privileges and immunities. Simultaneously, the FMLN would be required to make a declaration that it will fully cooperate in assuring the safety of the Mission and in facilitating the fulfilment of its functions.

8. In practical terms, the verification tasks of the human rights component of ONUSAL under the Agreement concluded between the Government of El Salvador and the FMLN may broadly be categorized as follows:

a) Active monitoring of the human rights situation in El Salvador;

b) Investigation of specific cases of alleged violations of human rights;

c) Promotion of human rights in El Salvador;

d) Recommendations to eliminate violations of, and to promote respect for, human rights;

e) Reports to the Secretary-General and, through him, to the Security Council and the General Assembly.

It would be of fundamental importance that all parties accept that, from the first day of its establishment, ONUSAL has the authority to exercise all the functions assigned to it under the Agreement in investigating the human rights situation in El Salvador, such as full freedom of movement and access.

9. Nevertheless, in assuming these tasks before a cease-fire, it appears highly advisable that ONUSAL adopt a progressive approach. Accordingly, in the first phase it would concentrate on the active monitoring of the human rights situation, and of the processing by the parties of cases involving the allegations of viola-

tions of human rights. During this phase ONUSAL would not itself undertake direct investigations of specific cases, except when they are of an especially significant nature, this determination being made by its Director. In this phase, ONUSAL would establish its regional offices and sub-offices. Its personnel would undertake extensive and frequent travel to demonstrate its presence in all parts of El Salvador, particularly in places, including detention centres, with a history of frequent allegations of violations of human rights. Simultaneously, it would initiate a public information campaign to inform the public about the capabilities and limitations of the Mission under the Agreement. It also would present initial recommendations to the parties if it considered this advisable and feasible. Essentially, ONUSAL's priority during this phase would be to familiarize itself with the system and conditions in El Salvador in proceeding to the subsequent full deployment of its tasks, while retaining the right to exercise any functions it deems necessary in terms of the Agreement. It would present periodic reports to the Secretary-General.

10. After the first phase, which would last 60 to 90 days, ONUSAL's human rights component would enter into the second phase, in which it would exercise all the functions assigned to it under the Agreement. It would intensify direct investigations, promotion of respect for human rights through courses imparted to various sectors of society, and the formulation of specific and substantive recommendations to promote respect for human rights in El Salvador.

11. The structure of ONUSAL in these phases (in which it would absorb the preparatory office, which would have completed its functions) would be the following:

a) Office of the Chief of Mission (San Salvador): A small advance component would provide overall political direction for the human rights component of ONUSAL and would deal with political matters that might arise from the performance of the verification functions. It also would prepare for the establishment of additional components of ONUSAL consequent on further political agreements that may be signed between the two parties.

b) Office of the Director for Human Rights (San Salvador): The Director, who would be a person with an established record in the field of human rights, would have the principal responsibility for the verification of the Agreement. He would be assisted by a team of experts on human rights, a team of human rights investigators, and legal, judicial and police advisers. This office also would include a team of educators on human rights, public information activities being undertaken by the Office of the Chief of Mission.

c) Regional offices at San Salvador, San Miguel, San Vincente and Santa Ana: Each regional office (map in annex III shows jurisdictions) would be headed by a Regional Coordinator, who would be assisted by Human Rights Officers, Legal Protection Officers, Police Monitors, Military Liaison Officers and a Political Adviser.

The San Salvador and San Miguel regions would have small sub-offices at Chalatenango and Usulután respectively, owing to the difficulty of access to certain areas in these two departments.

12. Planning for ONUSAL's personnel and logistics requirements is proceeding in the context of the preliminary mission's recommendations. Tentative projections for substantive international personnel are estimated at approximately 70 professional and above (coordinators, monitors, educators, legal and political affairs officers, etc.), 28 police personnel and 15 Military Liaison Officers. For the second phase, additional personnel are estimated at 20 professional and above and 38 police personnel, whose actual deployment would be adjusted according to the extent of activities becoming manifest in the first phase.

13. Given the nature of the tasks for which ONUSAL would be responsible, it would be essential to equip it with a reliable communications system to enhance its effectiveness and the security of its functions and personnel. Adequate transport resources also would be required to give it the mobility essential for its effective operation. The total cost of ONUSAL for an initial

12-month period, including one-time major procurements of vehicles and communications equipment, is estimated to be approximately $32 million. It is recommended that should the Council decide to set up ONUSAL, its costs should be considered as expenses of the Organization relating to the maintenance of regional peace and security and should be treated outside the procedures related to the contingency fund.

14. In conclusion, I strongly recommend that the Security Council give early authorization for the initial establishment of ONUSAL as outlined above. Should the Council give this authorization, detailed personnel and logistical proposals and their financial implications would be submitted to the General Assembly at its resumed forty-fifth session later in April. The Secretariat can then proceed with the administrative, logistical and personnel procedures required, especially the recruitment of appropriately qualified personnel, which would be the key to the Mission's effectiveness, with the aim of ONUSAL initiating its functions on the ground by June 1991.

15. I reported to the members of the Security Council on 4 April 1991 on the progress in and the prospects for negotiations on the remaining questions agreed between the Government of El Salvador and the FMLN. While these are advancing, I would not advise linking the approval of the proposal contained in this report to the success of the negotiations as a whole. As I have stated before, I am convinced that the commencement of the verification of human rights by ONUSAL would promote a significant improvement in the human rights situation in El Salvador, and also would act as a positive impetus to the negotiations. I am of the strong view that the proposed establishment of the first component of ONUSAL should proceed by itself, without awaiting the outcome of the negotiation effort in progress. Once there is agreement on the cease-fire and the United Nations is called upon to play a broader role as envisaged, the corresponding resources to be included in ONUSAL's structure would be established with the aim of its being able to operate effectively as an integrated whole.

SECRETARY-GENERAL'S STATEMENT ON EL SALVADOR OF 4 APRIL 1991

One year ago today, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) agreed to initiate a process of negotiation, under my auspices, in order to end the armed conflict in El Salvador through political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respected for human rights and reunify Salvadorian society.

Lives continue to be lost in combat in El Salvador, and peace is not yet at hand. But the negotiation is now entering an intensified new phase which, if successful, could lead to an early cease-fire under the supervision of the United Nations.

The road travelled in the last 12 months has been rough. This was to be expected, given the depth and complexity of the issues at stake, as illustrated in the agenda set last May and its provision that political agreements on a broad range of subjects be reached before a cease-fire could be contemplated.

Much time has been spent on the pervasive issue of the armed forces. It would not be appropriate for me to reveal what transpires in a negotiation which must of necessity remain confidential. But it is fair to say that, though no agreement has yet been struck, much progress has been made.

Last July, the parties signed a far-reaching agreement on human rights which provided for the establishment of an unprecedented, long-term, nationwide United Nations verification mission. A small preparatory office was set up in San Salvador in January. After much preparatory work and deliberation, and following a 10-day preliminary mission which I dispatched to El Salvador I am about to submit a formal proposal to the Security Council for the establishment of the verification mission as the initial component of an operation that I intend to call ONUSAL, which will undertake the responsibilities that will fall upon the United Nations as agreements emerge from the negotiation, and which are expected to include, in due course, a separation of forces and a cease-fire.

The phase of the process which is about to begin involves the simultaneous negotiation of a restricted set of issues, including the armed forces, constitutional reform and cease-fire arrangements which will for the first time permit the treatment of related issues in context and in perspective. Time is limited for these negotiations: constitutional reforms must be approved in two consecutive legislatures, and if they are not agreed upon and submitted to the current legislature before the end of its term on 30 April 1991, the possibility of adopting reforms which may well be crucial to the success of the negotiation may not become available again before 1994.

The situation in El Salvador has evolved considerably since the negotiations began. As provided for in the Geneva agreement, a broad debate involving all political parties and many social organizations and other institutions in El Salvador on the spectrum of issues in the negotiation is taking place. The armed forces as an institution are fully engaged in the process of negotiation itself. Issues are being aired openly which heretofore were not touched upon in public. Salvadorian society stands as if poised to undergo a profound transformation which will permit peace, once it comes about, to take hold irrevocably and irreversibly. At the same time, while the hope which is now offered is great, we must be wary of rising expectations. While the prospects for progress and indeed agreement have clearly improved, and recent contacts by my representative and myself with the parties reveal a desire to push ahead the sincerity of which I dare not doubt, the difficulties facing the negotiators and the short time available are daunting.

Throughout this process, I and my representative have worked closely with a certain number of Governments in a position to assist my efforts. I wish to record my appreciation to them. I would also add that we remain in touch with other Governments from outside Central America which are, I believe, called upon to play an essential role to ensure that the effort under way is successful. I fully intend to continue engaging these Governments in the process.

I will in due course be reporting to the Security Council about progress in the negotiations. Meanwhile,

I intend to bring to the Council my proposal for the establishment of the human rights component of ONUSAL, which should go ahead as if it were a self-contained unit in view of its importance for the improvement of the situation in El Salvador and for the contribution that it can bring to helping the negotiation along.

MEMBERS OF THE PRELIMINARY MISSION TO EL SALVADOR FROM 13 TO 23 MARCH 1991

CHIEF OF MISSION:	**Mr. Iqbal Riza** Alternate Personal Representative of the Secretary-General
EXPERTS:	**Dr. Pedro Nikken** (Venezuela) Vice-President of the Inter-American Institute of Human Rights and former President of the Inter-American Court of Human Rights
	Dr. Philippe Texier (France) Judge in the Court of Evry in France and Special Representative for Haiti of the Human Rights Commission
	H.E. Mr. Carl Johan Groth (Sweden) Ambassador of Sweden in Denmark and formerly Representative of Sweden to the Human Rights Commission
	Mr. Diego Garcia-Sayan (Peru) Professor of Human Rights in the Catholic University of Peru and Executive Director of the Andean Commission of Jurists
ADVISERS:	**Lt. Col. Francisco Javier Zorzo Ferrer** (Spanish Army)
	Cmdt. Enrique Vega Fernandez (Spanish Army)
	Supdt. Peter Fitzgerald (Irish Police)
SECRETARIAT:	**Mr. Nguyen H. Dong** Political Affairs Officer
	Mr. Mario Zamorano Director of UNIC in Mexico
	Mr. Miguel de la Lama Centre for Human Rights in Geneva
	Mrs. Silvia Gaymer Secretary

PREPARATORY OFFICE OF ONUSAL IN SAN SALVADOR:

Dr. Ricardo Vigil
Chief

Political Affairs Officers:

Mr. Francesco Manca
Mr. Gino Costa
Miss Denise Cook

MAP NO. 3052.1 UNITED NATIONS
APRIL 1991

1. In my report to the Council,[1] I indicated in paragraph 13 that the total cost of the United Nations Observer Mission in El Salvador (ONUSAL) for an initial 12-month period was estimated at approximately $32 million. I further indicated that, should the Council decide to set up ONUSAL, its costs should be considered as an expense of the Organization relating to the maintenance of regional peace and security and should be treated outside the procedures related to the contingency funds.

2. Following informal consultations with certain members of the Council regarding the method of financing, I consider it appropriate to provide the following clarification.

3. It would be my recommendation to the General Assembly that the cost of ONUSAL be considered an expense of the Organization to be borne by Member States in accordance with article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to a special account that would be established for this purpose.

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[1] S/22031.

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ONUSAL
EL SALVADOR

PRESS COMMUNIQUÉ ISSUED FOLLOWING THE GENEVA MEETING PRESIDED OVER BY THE SECRETARY-GENERAL BETWEEN REPRESENTATIVES OF THE GOVERNMENT OF EL SALVADOR AND OF THE FRENTE FARABUNDO MARTI PARA LA LIBERACION NACIONAL

At the request of the Central American Presidents and within the framework of the mandate of good offices conferred on me by the Security Council under resolution 637 of 27 July 1989, I have held consultations with the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) in order to agree on the format, mechanism and pace of a process aimed at bringing about as speedily as possible, under my auspices, a definitive end to the armed conflict in that country. I have agreed to carry out this effort at the request of the Government and FMLN and because I have received assurances from both parties that there is a serious intention and good faith to seek to bring about such an end through negotiations. As a result of my consultations, the Government and FMLN have agreed on the points set forth below, which are designed to ensure that the process proceeds in an efficient and serious manner and promotes mutual trust through appropriate guarantees.

I believe that the scrupulous maintenance of these guarantees, over and above their intrinsic importance, will demonstrate the desire and ability of the parties to carry out the commitments that they undertake during the negotiations. On this understanding, the Government and FMLN have pledged not to renounce the negotiation process.

1. The purpose of the process shall be to end the armed conflict through political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society.

The initial objective shall be to achieve political agreements for arranging a halt to the armed confrontation and any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council. Once that has been achieved, the process shall lead to the establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country.

2. The process shall be carried out under the auspices of the Secretary-General and in a continuing and ongoing manner.

3. In order to ensure the success of the negotiation process, the Government and FMLN agree to a method which will be elaborated by means of two types of complementary activities: direct dialogue between the negotiation commissions with the active participation of the Secretary-General or his Representative, and an intermediary role by the Secretary-General or his Representative between the parties to ensure that both the Government and FMLN are committed at the highest level. The Secretary-General shall see to it that these activities are conducted in a manner that truly contributes to the success of the process. The Government and FMLN shall ensure that their negotiation commissions are fully authorized to discuss and conclude agreements.

4. The Government and FMLN agree that the process shall be conducted in the strictest confidence. The

only public information on the development of this process shall be that which is provided by the Secretary-General or his authorized Representative.

5. The Secretary-General, at his discretion, may maintain confidential contacts with Governments of States Members of the United Nations or groups of such Governments which may contribute to the success of the process through their advice and support.

6. The Government of El Salvador and FMLN agree that the political parties and other existing representative social organizations in El Salvador have an important role to play in achieving peace. In the same way, they recognize the need for both the Government and FMLN to maintain adequate and standing information and consultation mechanisms with these parties and social organizations in the country and that the latter must undertake to ensure the necessary confidentiality for the success of the dialogue process. When it is deemed appropriate and on the basis of mutual agreement, the commissions may call upon the representatives of these parties and organizations in order to receive their contributions.

7. The Government and FMLN likewise recognize that it is useful for the Secretary-General to maintain contacts with Salvadorian persons and groups whose contribution may be of use in his efforts.

Representing the Government of El Salvador:

(SIGNED)
Dr. Oscar Santamaría
Ambassador Guillermo Paz Larín
Ambassador Ana Cristina Sol
Ambassador Carlos Ernesto Mendoza

Representing the Frente Farabundo Martí para la Liberación Nacional:

(SIGNED)
Comandante Schafik Handal
Licenciado Salvador Samayoa
Comandante Ana Guadalupe Martínez
Comandante Roberto Cañas

(SIGNED)
Javier Pérez de Cuéllar
Secretary-General of the United Nations

In the capacity assigned to me by the United Nations Security Council in resolution 637 (1989)

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